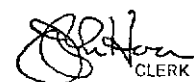


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
MAR 10 2006


CLERK

PHILLIP WOODWARD,

Plaintiff,

vs.

CIV. 04-4167

ORDER FOR SERVICE

ROBERT DOOLEY, individually as Warden
Mike Durfee State Prison, Springfield, SD;
SALLY BOYD, individually as Captain of
Mike Durfee State Prison; SUSAN JACOBS,
individually as Unit Manager of Mike Durfee
State Prison; MR. MULLER, individually, as
Unit Manager of Mike Durfee State Prison;
MR. COGAN, individually as Corporal of
Mike Durfee State Prison; VELMA SUDBECK,
individually as Counselor of Mike Durfee
State Prison; SHARON VAN OSTEL,
individually as Counselor of Mike Durfee
State Prison;

Defendants.

Plaintiff filed this civil rights lawsuit on October 12, 2004 (Doc. 1). Previously a Report and Recommendation was filed to dismiss the complaint for failure to pay the filing fee (Doc. 11). Subsequently the issue was rendered moot because the initial partial filing fee was paid. The complaint has now been screened as required by 28 U.S.C. § 1915(e)(2). The complaint is allowed to be served because plaintiff's complaint, giving it the benefit of the doubt, alleges the defendants in their individual capacities failed to protect him from the risk of serious physical injury from other inmates. He has affirmatively alleged that only two of the defendants(Sudbeck and Van Ostel) were aware of the threats against plaintiff. The claim against the other defendants is permitted to go

forward by giving plaintiff the benefit of the inferences from his allegations. His claims can be tested at the summary judgment stage.

It has previously been determined that the plaintiff can proceed in forma pauperis in this action brought under 42 U.S.C. § 1983,

Now, therefore,

IT IS ORDERED:

1. That the United States Marshal serve a copy of Docs. 1, 6, 8, 9, 10, 11, 13, 14, 15, 16, 18, 19, 21, the summons, and this order upon defendants as directed by plaintiff. All costs of service shall be advanced by the United States.
2. That plaintiff shall serve upon defendants, or, if appearance has been entered by counsel, upon their attorney, a copy of every further pleading or other document submitted for consideration by the Court. He shall include with the original paper to be filed with the Clerk of Court a certificate stating the date a true and correct copy of any document was mailed to defendants or their counsel. Any paper received by a district judge or magistrate judge which has not been filed with the Clerk or which fails to include a certificate of service will be disregarded by the Court.

Dated this 10 day of March, 2006.

BY THE COURT:


John E. Simko
United States Magistrate Judge

ATTEST:
JOSEPH HAAS, CLERK

By: Sherry Margulies, Deputy

(SEAL)